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TERMS.

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## LETTER IV.

*Albany, Sept. 9th, 1834.*

To the Hon. Martin Van Buren:

Sir—It is not proposed to discuss the merits or demerits of either the friends or the opponents of the late war. So far, however, as the incidents connected with that contest have become a part of the history of our country; and so far as their notice is deemed necessary to a true development of your character, a retrospect will be taken.

I now charge you, sir, with aiding and abetting those men who were opposed to the war; with using your efforts to elevate to power those who censured it, and with assailing those who were instrumental in producing an open and manly resistance of British aggressions. Yes, sir, you was the uncompromising opponent of Mr. Madison's re-election, as President of the United States, on the ground, that he had involved the nation in an unnecessary war; that he was incapable of conducting it, and that if he was left in power, he would soon be compelled to sign a disgraceful and ignominious treaty of peace.

It has been remarked in a preceding letter, that no charge would be made against you, no vague assertion. This pledge shall be redeemed. After showing your hostility to those men who had hurled back upon the British ministry, a proud defiance of their boasted power, I will exhibit you in the prostituted aspect of a vindictive toe to the late Governor Clinton, in concert with whom you had been acting; and then, as the pliant sycophant of Mr. Madison, whom you had endeavored to destroy, and whose measure you had reprobated and condemned.

During the year 1811, our foreign affairs were approaching a crisis. The apprehensions of the patriot were depicted in his countenance. The wrongs which were inflicted upon the persons, as well as upon the commerce of our unoffending people, were daily increasing, while the minions of Britain taunted and insulted our government. Our national honor was suspended by a slender thread Indulging the hope, that peace might yet be preserved, we had faultered and hesitated too long. It had been insolently announced on the floor of Congress, by a distinguished and leading federalist,—"*that we could not be kicked into a war.*" At the close of 1811 it was, therefore, evident that a base and degrading submission to Great Britain or a patriotic and manly resistance was inevitable.

At this perilous crisis, where was Martin Van Buren? His supple biographer, referring to this period, says—"His support of the *government* was not merely active, but zealous; nor was his the zeal of ordinary men. It absorbed his whole soul; it led to untiring exertion; it was exhibited on all occasions, and under all circumstances." It is not my habit to use vulgar—and ungentlemanly language. If it was, this quotation would receive harsh epithets. It shall be demonstrated, however, that every sentence of it is untrue.

In April, 1812, you was a candidate for the State Senate. Your opponent was Edward P. Livingston, then branded as a thorough federalist; but since recognized by you and others, as a pure Jackson democrat. Your election depended on the county of Rockland, the other counties in the district being opposed to you. In that county the friends of De Witt Clinton had an overwhelming influence. It was exerted in your behalf, and you was elected by a small majority. You was known to be their man. The question of war, or no war, now agitated the whole country. Where was Mr. Van Buren's "zeal and untiring exertion?" I will point to it. On the 29th of May, 1812, a few days before the declaration of war, a caucus was held in this city. You, sir, was a promoter of that caucus, and a supporter of its doings. Mr. De Witt Clinton was opposed to the war. He was nominated in that caucus, as a candidate for the office of President, in opposition to James Madison.

To a right understanding of the whole case, it is unnecessary, perhaps, to retrospect. In 1812, and previous, the caucus system prevailed at Washington. Mr. Jefferson had been twice nominated by a Congressional caucus. Mr. Madison had, in like manner, been nominated and elected. The caucus, therefore, by the Democratic party, was the test of party men.—Those who would not abide its decisions, were considered politically heterodox, if not federal. Such were the "usages and discipline of the party" in those days. Did you act with the Democracy, in supporting James Madison? Or did you act with the federalists against him? Did you support, or oppose "regular nominations?"

In June, 1812, war was declared. It was the act of the party. It was an Executive recommendation, in a special message transmitted to Congress on the first of June. It was a measure adopted by every branch of the Government. Where was your fiery zeal, spoken of by your puny biographer? Did you sustain, at that period, that measure, or the men who had boldly and fearlessly adopted it? Did you, on that occasion, "support the government?" Did you defend Congress and the administration, insomuch that "it absorbed your whole soul?" Did you unite your energies with the friends of the war for the purpose of securing the re-election of the man who had hazarded the high and exalted station he then filled, rather than behold his county's honor trodden in dust and ashes, by a foreign foe? Or did you, recreant like, flee the banner which the democracy of the land had gallantly unfurled to the breezes of heaven? I pause, because my indignation is excited, when I hear you spoken of as an early friend of the war. I have done, however, with this branch of the subject. It shall be resumed in my next letter. But first I shall take occasion to notice and explain the movements, during the summer of 1812, of your then friend and counsellor, James A. Hamilton. He too, with equal truth and propriety, might be pronounced an advocate of the war. *Par nobilium fratrum.*

PATRICK HENRY.

## SPEECH OF MR. CALHOUN,
ON THE
## ABOLITION PETITIONS,

*Delivered in the Senate of the United States, on Wednesday, March 9, 1836.*

The question of receiving the petitions from Pennsylvania for the abolition of slavery in the District of Columbia, being under consideration:

Mr. CALHOUN rose, and said: If we may judge from what has been said, the mind of the Senate is fully made up on the subject of these petitions. With the exception of the two Senators from Vermont, all who have spoken have avowed their conviction, not only that they contain nothing requiring the action of the Senate, but that the petitions are highly mischievous, as tending to agitate and distract the country, and to endanger the Union itself. With these concessions, I may fairly ask, why should these petitions be received? Why receive, when we have made up our mind not to act? Why idly waste our time and lower our dignity in the useless ceremony of receiving to reject, as is proposed, should the petitions be received? Why finally receive what all acknowledge to be highly dangerous and mischievous? But one reason has or can be assigned—that not to receive would be a violation of the right of petition, and, of course, that we are bound to receive, however objectionable and dangerous the petitions may be. If such be the fact, there is an end to the question. As great as would be the advantage to the abolitionists if we are bound to receive, if it would be a violation of the right of petition not to receive we must acquiesce. On the other hand, if it shall be shown, not only that we are not bound to receive, but that to recive on the ground on which it has been placed would sacrifice the constitutional rights of this body, would yield to the abolitionists all they could hope at this time, and would surrender all the outworks by which the slaveholding States can defend their rights and property here, then a unanimous rejection of these petitions ought of right to follow.

The decision, then, of the question now before the Senate is reduced to the single point—Are we bound to receive these petitions? Or, to vary the form of the question—Would it be a violation of the right of petition not to receive them?

When the ground was first taken that it would be a violation, I could scarcely persuade myself that those who took it were in earnest, so contrary was it to all my conceptions of the rights of this body, and the provisions of the Constitution; but finding it so earnestly maintained, I have since carefully investigated the subject, and the result has been a confirmation of my first impression, and a conviction that the claim of right is without shadow of foundation. The question, I must say, has not been fairly met. Those opposed to the side which we support have discussed the question as if we denied the right of petition, when they could not but know that the true issue is not as to the *existence* of the right, which is acknowledged by all, but its extent and limits, which not one of our opponents has so much as attempted to ascertain. What they have declined doing I undertake to perform.

There must be some point, all will agree, where the right of petition ends, and that of this body begins. Where is that point? I have examined this question carefully, and I assert boldly, without the least fear of refutation, that stretched to the utmost the right cannot be extended beyond the presentation of a petition, at which point the rights of this body commence.—When a petition is presented, it is before the Senate. It must then be acted on. Some disposition must be made of it before the Senate can proceed to the consideration of any other subject. This no one will deny. With the action of the Senate its rights commence—rights secured by an express provision of the Constitution, which vests each House with the right of regulating its own proceedings, that is, to determine by fixed rules the order and form of its action. To extend the right of petition beyond presentation, is clearly to extend it beyond that point where the action of the Senate commences, and as such is a manifest violation of its constitutional rights. Here then we have the limits between the right of petition and the right of the Senate to regulate its proceedings clearly fixed, and so perfectly defined as not to admit of mistake, and I would add of controversy, had it not been questioned in this discussion.

If what I have asserted required confirmation, ample might be found in our rules, which embody the deliberate sense of the Senate on this point, from the commencement of the Government to this day. Among them the Senate has prescribed that of its proceedings on the presentation of petitions. It is contained in the 24th Rule, which I ask the Secretary to read, with Mr. Jefferson's remarks in reference to it:

"Before any petition or memorial addressed to the Senate shall be received, and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."—Rule 24.

Mr. Jefferson's remarks: "*Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received;* but a cry from the House of 'receive,' or even a silence, dispenses with the formality of the question."

Here we have a confirmation of all I have asserted. It clearly proves that when a petition is presented the action of the Senate commences.—The first act is to receive the petition. Received by whom? Not the Secretary, but the Senate. And how can it be received by the Senate but on a motion to receive, and a vote of a majority of the body? And Mr. Jefferson accordingly tells us that regularly such a motion must be made and seconded. On this question then, the right of the Senate begins, and its right is as perfect and full to receive or reject, as it is to adopt or reject any other question, in any subsequent stage of its proceedings. When I add, that this rule was adopted as far back as the 19th of April, 1789, at the first session of the Senate, and that it has been retained, without alteration, in all the subsequent changes and modifications of the rules, we have the strongest evidence of the deliberate sense of this body in reference to the point under consideration.

I feel that I might here terminate the discussion. I have shown conclusively that the right of petition cannot possibly be extended beyond presentation. At that point it is met by the rights of the Senate; and it follows as a necessary consequence, that so far from being bound to receive these petitions—so far would a rejection be from violating the right of petition, we are left free to reject or to receive at pleasure, and that we cannot be deprived of it without violating the rights of this body, secured by the Constitution.

But on a question of such magnitude, I feel it to be a duty to remove every difficulty; and that not a shadow of a doubt may remain, I shall next proceed to reply to the objections our opponents have made to the grounds I have taken. At the head of these, it has been urged, again and again, that petitioners have a right to be heard, and that not to receive petitions is to refuse a hearing. It is to be regretted that throughout this discussion those opposed to us have dealt in such vague generalities, and ventured assertions with so little attention to facts. Why have they not informed us in the present instance what is meant by the right to be heard, and how that right is violated by a refusal to receive? Had they thought proper to give us this information, it would at least have greatly facilitated my reply; but as it is, I am constrained to inquire into the different senses in which the assertion may be taken, and then to show that in not one of them is the right of petition in the slightest degree infringed by a refusal to receive.

What then is meant by the assertion that these petitioners have a right to be heard? Is it meant that they have a right to appear in the Senate chamber in person to present their petition, and to be heard in its defence? If this be the meaning, the dullest apprehension must see that the question on receiving has not the slightest bearing on such right. If they have the right to be heard personally at our bar, it is not the 24th rule of our proceedings, but the 19th, which violates that right. That rule expressly provides that a motion to admit any person whatever within the doors of the Senate to present a petition shall be out of order, and of course excludes the petitioners from being heard in person. But it may be meant that petitioners have a right to have their petitions presented to the Senate, and read in their hearing. If this be the meaning, the right has been enjoyed in the present instance to the fullest extent. The petition was presented by the Senator from Pennsylvania (Mr. Buchanan) in the usual mode, by giving a statement of its contents, and on my call was read by the Secretary at his table.

But one more sense can be attached to the assertion. It may be meant that the petitioners have a right to have their petitions discussed by the Senate. If this be intended, I will venture to say that there never was an assertion more directly in the teeth of facts than that which has been so frequently made in the course of this discussion—that to refuse to receive the petition is to refuse a hearing to the petitioners. Has not this question been before us for months? Has not the petition been discussed day after day, fully and freely, in all its bearings? And how, with these facts before us, with the debates still ringing in our ears, any Senator can rise in his place, and gravely pronounce that to refuse to receive this petition is to refuse a hearing to the petitioners—to refuse discussion, in the broadest sense, is past my comprehension.—Our opponents, as if in their eagerness to circumscribe the rights of the Senate, and to enlarge those of the abolitionists (for such must be the effect of their course,) have closed their senses against facts passing before their eyes; and have entirely overlooked the nature of the question now before the Senate, and which they have been so long discussing.

The question on receiving the petition not only admits discussion, but admits it in the most ample manner; more so, in fact, than any other, except the final question on the rejection of the prayer of the petition, or some tantamount question. Whatever may go to show that the petition is or is not deserving the action of this body may be freely urged for or against it as has been done on the present occasion. In this respect there is a striking difference between it and many of the subsequent questions which may be raised after reception, and particularly the one made by the Senator from Tennessee, (Mr. Grundy) who now is so strenuous an advocate in favor of the right of the petitioners to be heard. He spoke with apparent complacency of his course, as it respects another of these petitions. And what was that course? He who is now so eager for discussion, to give a hearing, moved to lay the petition on the table—a motion which cuts off all discussion.

But it may be asked, if the question on receiving petitions admits of so wide a scope for discussion, why not receive this petition, and discuss it at some subsequent stage? Why not receive, in order to reject its prayer, as proposed by the Senator from Pennsylvania, (Mr. Buchanan,) instead of rejecting the petition itself on the question of receiving, as we propose? What is the difference between the two?

I do not intend at this stage to compare, or rather to contrast the two courses, for they admit of no comparison. My object at present is to establish beyond the possibility of doubt that we are not bound to receive these petitions; and when that is accomplished, I will then show the disastrous consequences which must follow the reception of the petition, be the after disposition what it may. In the meantime it is sufficient to remark, that it is only on the question of receiving that opposition can be made to the petition itself. On all others, the opposition is to its prayer. On the decision, then, of the question of receiving depends the important question of jurisdiction. To receive is to take jurisdiction—to give an implied pledge to investigate and decide on the prayer, and to give the petition a place in our archives, and become responsible for its safe keeping; and who votes for receiving this petition on the ground on which its reception is placed, votes that Congress is bound to take jurisdiction of the question of abolishing slavery both here and in the States—gives an implied pledge to take the subject under consideration, and orders the petition to be placed among the public records for safe keeping.

But to proceed in reply to the objections of our opponents. It is next urged that precedents are against the side we support. I meet this objection with a direct denial. From the beginning of the Government to the commencement of this session, there is not a single precedent that justifies the receiving of these petitions on the ground on which their reception is urged.—The real state of the case is, that we are not following but making precedents. For the first time has the principle been assumed, that we are bound to receive petitions; that we have no discretion, but must take jurisdiction over them, however absurd, frivolous, mischievous, or foreign from the purpose for which the Government was created. Receive these petitions, and you will create a precedent which will hereafter establish this monstrous principle. As yet there are none. The case relied on by the Senator from Tennessee (Mr. Grundy) is in no respect analogous. No question in that case was made on the reception of the petition. The petition slipped in without taking a vote, as is daily done, where the attention of the Senate is not particularly called to the subject. The question on which the discussion took place was on the reference, and not on the reception, as in this case; but what is decisive against the precedent, and which I regret the Senator (Mr. Grundy) did not state, so that it might accompany his remarks, is the fact, that the petition was not for abolishing slavery. The subject was the African slave trade; and the petition simply prayed that Congress would *inquire* whether they might not adopt some measure of interdiction prior to 1808, when, by the Constitution, they would be authorized to suppress that trade. I ask the Secretary to read the prayer of the petition:

"But we find it indispensibly incumbent on us, as a religious body, assuredly believing that both the true temporal interests of nations, and eternal well-being of individuals depend on doing justly, loving mercy, and walking humbly before God, the creator, preserver, and benefactor of men, thus to attempt to excite your attention to the affecting subject [slave trade,] earnestly desiring that the infinite Father of Spirits may so enrich our minds with his love and truth, and so influence your understanding by that pure wisdom which is full of mercy and good fruits, as that a sincere and an impartial inquiry may take place, whether it be not an essential part of the duty of your exalted station to exert upright endeavors, to the full extent of your power, to remove every obstruction to public righteousness, which the influence of artifice of particular persons governed by the narrow, mistaken views of self-interest has occasioned; and whether, notwithstanding such seeming impediments, it be not really within your power to exercise justice and mercy, which, if adhered to, we cannot doubt abolition must produce the abolition of the slave trade."

Now, I ask the Senator where is the analogy between this and the [illegible] petition, the reception of [illegible] strenuously urges? He is a man of long experience and of distinguished reputation: and I put the question to him, on what possible principle can a case so perfectly dissimilar justify the vote he intends to give on the present occasion? On what possible ground can the vote of Mr. Madison to refer that petition, on which he has so much relied, justify him in receiving this? Does he not perceive in his own example the danger of forming precedents? If he may call to his aid the authority of Mr. Madison, in a case so dissimilar, to justify the reception of this petition, and thereby extend the jurisdiction of Congress over the question of emancipation, to what purpose hereafter may not the example of his course on the present occasion be perverted?

It is not my design to censure Mr. Madison's course, but I cannot refrain from expressing my regret that his name is not found associated, on that occasion, with the sagacious and firm representatives from the South—Smith, Tucker and Brooke, of South Carolina, James Jackson, of Georgia, and many others who, at that early period, foresaw the danger, and met it as it ought ever to be met by those who regard the peace and security of slaveholding States. Had he added the weight of his talents and authority to theirs, a more healthy tone of [illegible] ment than that which now unfortunately exists would this day have been the consequence.

Another case has been cited, to justify the vote for reception. I refer to the petition from the Quakers, in 1805, which the Senator from Pennsylvania (Mr. Buchanan) relies on to sustain him in receiving the present petition. What I have said in reply to the precedent cited by the Senator from Tennessee applies equally to this. Like that, the petition prayed legislation, not on ablition of slavery, but the African slave trade, over which subject Congress then in a few years would have full jurisdiction by the Constitution, and might well have their attention called to it in advance. But, though their objects were the same, the manner in which the petitions were met was very dissimilar. Instead of being permitted to be received silently, like the former, this petition was met at the threshold. The question of receiving was made, as on the present occasion, and its rejection sustained by a strong Southern vote, as the journal will show. The Secretary will read the journal:

"Mr. Logan presented a petition signed by Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellow-men of the African race. On the question, 'Shall this petition be received?' it passed in the affirmative—yeas 19, nays 9."

Among those to receive the petition, there were but four from the slaveholding States, and this on a single petition praying for legislation on a subject over which Congress in so short a time would have full authority. What an example to us on the present occasion! Can any man doubt, from the vote, if the Southern Senators on that occasion had been placed in our present situation—that, had it been their lot as it is ours, to meet that torrent of petitions which is now poured in on Congress, not from peaceable Quakers, but ferocious incendiaries, not to suppress the African slave trade, but to abolish slavery, they would, with united voice, have rejected the petition with scorn and indignation? Can any one who knew him doubt that one of the Senators from the South (the gallant Sumter,) who on that occasion voted for receiving the petition, would have been among the first to vindicate the interests of those whom he represented, had the question at that day been what it is on the present occasion?

We are next told that, instead of looking to the constitution, in order to ascertain what are the limits to the right of petition, we must push that instrument aside, and go back to Magna Charta and the declaration of rights for its origin and limitation. We live in strange times. It seems there are Christians now more orthodox than the Bible, and politicians whose standard is higher than the Constitution; but I object not to tracing the right to these ancient and venerated sources; I hold in high estimation the institutions of our English ancestors. They grew up gradually through many generations, by the incessant and untiring efforts of an intelligent and brave People struggling for centuries against the power of the Crown. To them we are indebted for nearly all that has been gained for liberty in modern times, excepting what we have added. But may I not ask how it has happened that our opponents, in going back to these sacred instruments, have not thought proper to cite their provisions, or to show in what manner our refusal to receive these petitions can violate the right of petition as secured by [illegible], I feel under no obligation to [illegible] the omission—to cite what they have omitted to cite, or to prove, from the documents themselves, that to be [illegible] of them which they have proved to be no violation. It is unnecessary. The practice of Parliament is sufficient for my purpose. It proves conclusively that it is no violation of the right, as secured by the instruments, to refuse to receive petitions. To establish what this practice is, I ask the Secretary to read from Hatsel, a work of the highest authority, the several paragraphs which are marked with a pencil, commencing at page 760, under the head of Petitions on Matter of Supply:

"On the 9th of April, 1694, a petition was tendered to the House relating to the bill for granting to their Majesties several duties upon the tonnage of ships; and the question being put, that the petition be received, it passed in the negative.

"On the 28th of April, 1698, a petition was offered to the House against the bill for laying a duty upon inland pit coal; and the question being put, that the petition be received, it passed in the negative. See, also, the 29th and [illegible] of June, 1698, petitions relating to the duties upon Scotch linens, and upon whale fins imported.—Vid. 20th of April, 1698.

"On the 5th of January, 1703, a petition of the maltsters of Nottingham being offered against the bill for continuing the duties on malt, and the question being put that the petition be brought up, it passed in the negative.

"On the 21st of December, 1706. Resolved, That this House will receive no petition for any sum of money relating to public service, but what is recommended from the Crown. Upon the 11th of June, 1713, this is declared to be a standing order of the House.

"On the 8th of March, 1707, Resolved, That the House will not proceed on any petition, motion, or bill for granting any money, or for releasing or compounding any money owing to the Crown, but in a Committee of the Whole House; and this is declared to be a standing order. See, also, the 29th of November, 1710.

"On the 23d of April, 1713, Resolved, That the House will receive no petition for compounding debts to the Crown, upon any branch of the revenue, without a certificate from the proper officer annexed, stating the debt, what prosecutions have been made for the recovery thereof, and what the petitioner and his security are able to pay.

"On the 25th of March, 1715, this is declared to be a standing order. See the 21st of March, [illegible] and the 9th of January, 1752, the proceedings upon petitions of this sort.

"On the 8th of March, 1732, a petition being offered against a bill depending for securing the trade of the sugar colonies, it was refused to be brought up. A motion was then made that a committee be appointed to search precedents in relation to the receiving or not receiving petitions against the imposing of duties; and the question being put, it passed in the negative."

Nothing can be more conclusive. Not only are petitions rejected, but resolutions are passed refusing to receive entire classes of petitions, and that too on the subject of imposing taxes—a subject, above all others, in relation to which we would suppose the right ought to be held most sacred, and this within a few years after the declaration of rights. With these facts before us, what are we to think of the assertion of the Senator from Tennessee (Mr. Grundy,) who pronounced in his place, in the boldest and most unqualified manner, that there was no deliberative body which did not act on